

## MEMORANDUM

DATE:

TO: Missouri Air Conservation Commission

THROUGH: Alan J. Reinkemeyer, Acting Director  
Division of Environmental Quality

FROM: Kyra L. Moore, Director  
Air Pollution Control Program

SUBJECT: Attorney General's Office Referral Request for George Rensch

On September 20, 2011, an investigator from the Department of Natural Resources' Southwest Regional Office observed a burn pile approximately 20 feet by 20 feet on property owned by Mr. George Rensch, located at 806 East Delmar in Springfield, Greene County, Missouri. The burn pile consisted of furniture, demolition waste and plastic. The inspector issued Notice of Violation #13858SW to document the violation of Missouri Air Conservation Regulation 10 CSR 10-6.045, "*Open Burning Requirements.*"

The department's Air Pollution Control Program (APCP) sent a certified letter to Mr. Rensch on January 3, 2012, offering an out-of-court settlement to resolve this violation. The APCP also provided a copy of the department's open burning fact sheet, information on managing construction and demolition waste, and the department's open burning regulations. The department also provided the Web address for further information. Mr. Rensch failed to respond by the January 16, 2012, date requested in the certified letter.

The APCP sent a second letter to Mr. Rensch on February 3, 2012, again offering an out-of-court settlement to resolve this violation. Mr. Rensch again failed to respond by the February 15, 2012, date noted in that correspondence.

APCP staff attempted to reach Mr. Rensch via telephone on February 22, 2012. This attempt also failed and APCP staff was unable to submit a voicemail at this time.

On April 6, 2012, Mr. Rensch contacted the department via telephone. During the conversation, Mr. Rensch stated that he would prefer this case be forwarded to the Missouri Air Conservation Commission.

Missouri Air Conservation Commission  
Page Two

In light of failure to resolve the violations with conference, conciliation, and persuasion, the Air Pollution Control Program is requesting authority to refer the case to the Attorney General's Office to institute a civil action in a court of competent jurisdiction on behalf of the Missouri Air Conservation Commission and Missouri Department of Natural Resources. I recommend approval of this action.

KLM: ewv

c: Mr. Richard Barnes, Southwest Regional Office  
077 Open Burning File

## MEMORANDUM

DATE:

TO: Missouri Air Conservation Commission

THROUGH: Alan J. Reinkemeyer, Acting Director  
Division of Environmental Quality

FROM: Kyra L. Moore, Director  
Air Pollution Control Program

SUBJECT: Attorney General's Office Referral Request – Ms. Anne Firuccia

On May 10, 2011, the Department of Natural Resources Kansas City Regional Office (KCRO) received an environmental concern from a citizen. The KCRO investigated the concern and contacted the Kearney Fire Department. The Kearney Fire Department informed the KCRO that, on May 8, 2011, they visited the property of Ms. Anne Firuccia at 10400 Northeast 137<sup>th</sup> Street in Liberty, Clay County, Missouri. The visit was in response to concerns from nearby citizens reporting an explosion and a fire. The fire originated from unlawful open burning of waste vegetative material collected from another location not on Ms. Firuccia's property. The explosion occurred from the use of gasoline. The fire department extinguished several large piles of timber, mulch, and brush piles. The fire department report indicated Golden Rule Tree Service paid Ms. Firuccia to collect and pile the logs and chips from their tree trimming service. Ms. Firuccia elected to burn the pile, without first obtaining an open burning permit, after she determined to put her house on the market for sale. This is a violation of the Missouri Air Conservation Law and implementing regulation, 10 CSR 10-6.045, "*Open Burning Requirements*." To document the violation, the KCRO issued Notice of Violation (NOV) #KCR14245184.

On August 30, 2011, the department mailed a settlement offer to Ms. Firuccia with a reply date of September 27, 2011. On September 12, 2011, Ms. Firuccia telephoned the department. The department requested Ms. Firuccia submit a written explanation of how the fire happened on her property and communicated that the settlement offer was negotiable and the department would accept a portion suspended for two years. The department did not receive her letter of explanation by the required date of September 27, 2011.

On January 9, 2012, the department telephoned Ms. Firuccia to inquire about her lack of response. She said she mailed the requested letter certified and wondered why she never received anything back. She was at work and said she would mail it again.

Missouri Air Conservation Commission  
Page Two

After not receiving any follow-up communication, on January 20, 2012, the department mailed a second settlement offer letter with a due date of February 7, 2012. The department telephoned Ms. Firuccia on February 7, 2012. As before, she expressed surprise that the department had not received her letter. She said she will email the letter as an attachment that same evening. The negotiated penalty was restated and the settlement process was explained.

On February 24, 2012, the department telephoned and emailed Ms. Firuccia that she needed to submit her letter. On February 25, 2012, Ms. Firuccia emailed her letter to the department. It appeared she backdated her letter of explanation to May 7, 2011.

On April 11, 2012, the department mailed, to Ms. Firuccia, an agreement with the negotiated penalty amounts. The reply date was May 1, 2012. The department received no reply.

On May 15, 2012, the department telephoned Ms. Firuccia to inquire about her receiving and mailing the agreement. She said she received the agreement and went to the county office and paid the paid portion of the penalty in cash. The department telephoned Donna Hartman, Clay County Deputy Treasurer, to inquire of any such transactions. She said Clay County did not receive a payment from Ms. Firuccia or anyone else for this kind of violation. The department has not received the signed agreement or confirmation that the penalty was paid. To communicate the findings, the department emailed Ms. Firuccia and telephoned her. However, the department has been unsuccessful at contacting Ms. Firuccia.

In light of failure to resolve the violations with conference, conciliation, and persuasion, the Air Pollution Control Program is requesting authority to refer the case to the Attorney General's Office to institute a civil action in a court of competent jurisdiction on behalf of the Missouri Air Conservation Commission and Missouri Department of Natural Resources. I recommend approval of this action.

KLM:cjv

c: Michael Miller, Kansas City Regional Office  
Clay County Enforcement File